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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,920	03/29/2001	Eran Steinberg	97900-0270365 (29033-0270	7542

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EXAMINER	
DESIRE, GREGORY M	

ART UNIT	PAPER NUMBER
2625	

DATE MAILED: 12/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/823,920	STEINBERG, ERAN	
	Examiner	Art Unit	
	Gregory M. Desire	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 July 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-40* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *29 March 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communication filed 7/26/04.

Response to Amendment

2. Applicant's arguments filed 7/26/04 have been fully considered but they are not persuasive. Thus, 35 USC 103 have been maintained. See response to arguments below.

Response to Arguments

3. Applicant argues (remarks page 9 lines 12-14) there is no teaching or suggestion to combine the two references (Fredlund and Reele) to arrive at the claimed invention, and that if even if the references were combined there would be no reasonable expectation of success.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Fredlund discloses producing a developed film and scanning said film to create a digital file. As stated in your response Fredlund problems was how to provide an improved system for

ordering and re-ordering prints from negative or slides that decrease the need of having the customers handle the negative. It is conceivable to modify Fredlund to include Reele's system of transmitting digital data through a telephone network. A motivation would be digital image would be less susceptible to tampering (note col. 1 lines 29-31). Which is similar to decreasing the need of having customers handle the negative. Also, Reele's system transmits data reducing expenses and complexity of data (note col. 1 lines 50-52). Reducing expenses would be desirable in the system of Fredlund as modified by Reele.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 2, 4-5, 9-10, 12-13, 15, 21-23, 25, 29-30 and 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fredlund et al (6,631,011) in view of Reele et al. (5,893,0370.

Regarding claims 1 and 21-22 Fredlund discloses,

Developing photographic film to produce a developed film (note fig. 1, 18 in connection with col. 3 lines 26-29, lines cite processed film produced);

Scanning said developed film to create digital image data (note fig. 1, 24 in connection with col. 3 lines 30-32, processed film is scanned to produce a digital image file); and

Fredlund is silent disclosing transmitting said digital image data through a telephone network to a first portable device including wireless communication apparatus and a visual display screen for visual display of an image. However, Reele transmit digital image data through a telephone network (note col. 5 lines 40-43). Therefore it would have been obvious to one having ordinary skills in the art to transmit data in the digital image file through a telephone network in the system of Fredlund as evidenced by Reele. Fredlund develops and scans photographic film. Reele in the same field of endeavor can transmit digital image from a digital file and transmit through a telephone network at a reduce expense and complexity (note col. 1 lines 50-53).

Regarding claims 2 and 23 Fredlund and Reele discloses,

Displaying a visual image of said digital image data on said visual display screen (note col. 6 lines 5-10, line cite displaying digital image data).

Regarding claims 4 and 34 Fredlund and Reele discloses,

Wherein said device is a cell phone (note Reele col. 4 lines 41-42 data is transmitted to a cell phone).

Regarding claims 5 and 25 Fredlund and Reele discloses

Forwarding said digital image data from a first user of said first cell phone to a second user of a second cell phone (Reele col. 6 lines 5-10).

Regarding claims 9 and 29 Fredlund and Reele discloses,

Forwarding said digital image data subsequent to reception by said first cell phone to a network compute (note col. 3 lines 60-65, lines cite transmission of imaged data to a control network).

Regarding claims 10 and 30 Fredlund and Reele discloses,

Digitally processing said digital image data subsequent to reception by said cell phone (note Reele col. 6 lines 59-63, image subject to editing interpreted as digital processing).

Regarding claims 11 and 31 Fredlund and Reele discloses,

Displaying an icon on said first cell phone display wherein the selection of said icon automatically causes said first cell phone to be communicatively connected with a service facility, wherein said service facility performs said developing and said scanning and said transmitting (note, Fredlund col. 4 lines 45-60).

Regarding claims 12 and 32 Fredlund and Reele,

Wherein selection of said icon further causes an instruction to be sent to a computer at said service facility for requesting that a customer's job data be place on a

computer monitor screen (note Fredlund col. 3 lines 46-51, computer provides instructions).

Regarding claims 13 and 33 Fredlund and Reele discloses,

Wherein said computer may have programmed therein-billing information of said customer (note Fredlund col. 4 lines 24-25, bill is printed which connected to computer having billing information of a customer).

Regarding claim 15 and 35 Fredlund and Reele discloses,

Automatically adding a fee for said prints to a phone account of said cell phone user (note col. 4 lines 41-43 an additional fee is extended to a customer).

3. Claims 3, 16-20, 24 and 36-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fredlund and Reele in further view of Kito (6,628,899).

Regarding claims 3, 14 and 24 Fredlund and Reele is silent,

Placing an order for a print corresponding to an image viewed on said device visual display screen. However, Kito places an order for a print corresponding to an image view on said device visual display screen (note col. 27 lines 10-20, order is place corresponding to an image viewed on said device display screen). Therefore it would have been obvious to one having ordinary skills in the art to place an order for a print corresponding to an image viewed on said display screen. Fredlund and Reele provide and image viewed on a device visual display screen. Kito in the same field of endeavor

places orders from a display screen providing less time waiting for an image to print (note col. 27 lines 17-18).

Regarding claim 16 and 36 Fredlund, Reele and Kito,

Placing an interactive display on said visual display screen allowing a user to interact with said display (note Kito fig. 13a in connection with col. 20 lines 45-52, show interactive display user selects images for album).

Regarding claims 17 and 37 Fredlund, Reele and Kito,

Wherein said interactive display provides said user with the ability to order prints of said images via said cellular phone (note Kito col. 27 lines 10-15, user selects image to order on a display).

Regarding claims 18 and 38 Fredlund, Reele and Kito disclose,

Wherein said interactive display allows a user to adjust an image color (note Kito col. 22 lines 59-65, color adjusting is merely image editing).

Regarding claim 19 and 39 Fredlund, Reele and Kito disclose,

Wherein said interactive display allows a user to include and manipulate a color border for an image (note Kito, col. 22 lines 59-65 manipulate color border for an image is merely image editing).

Regarding claims 20 and 40 Fredlund, Reele and Kito disclose,

Wherein said interactive display allows a user to place a textual note on an image (note Kito, col. 26 lines 30-40, order sheet from display provides textual notes).

4. Claims 6-8 and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fredlund and Reele in further view of Yu et al (6,563,513).

Regarding claims 6 and 26 Fredlund and Reele are silent,

Wherein said digital image data that is sent to the cell phone is low-resolution image data. However Yu disclose digital image sent to a cell phone is low-resolution data (note col. 2 lines 30-33, lines cite low resolution display in a cell phone). Therefore it would have been obvious to one having ordinary skills in the art to teach digital data sent to a cell phone is low-resolution data in the system of Fredlund and Reele as evidenced by Yu. Fredlund and Reele teach image data sent to cell phone. Yu in the same field of endeavors identifies image data sent to a cell phone as low resolution to reduce bit depth of an image (note col. 1 lines 25-27)

Regarding claims 7 and 27 Fredlund, Reele and Yu discloses,

Wherein said digital image data is high-resolution image data (note Yu col. 2 lines 40-45, lines cite digital image of high-resolution).

Regarding claims 8 and 28 Fredlund, Reele and Yu discloses,

Wherein the user can zoom and view details of the said high-resolution image on said visual display, which may be of lower resolution that said high-resolution image (note Yu, col. 3 lines 15-30, change in size affects the resolution of image data).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory M. Desire whose telephone number is (703) 308-9586. The examiner can normally be reached on M-F (8:30-6:00) Second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (703) 308-5246. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory M. Desire
Examiner
Art Unit 2625

G.D.
December 20, 2004

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SUPERVISORY PATENT EXAMINER
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